

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7555

BILL NUMBER: HB 1429

NOTE PREPARED: Feb 22, 2005

BILL AMENDED: Feb 21, 2005

SUBJECT: Faith-Based Transitional Prison Dormitories.

FIRST AUTHOR: Rep. Turner

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It allows the Department of Correction (DOC) to provide a transitional dormitory with faith-based programming at each maximum and medium security facility.
- B. It directs the DOC to submit a report to the Legislative Council on the progress of faith-based transitional dormitories.
- C. It directs the DOC Commissioner to enter into negotiations with a faith-based organization to create a pilot project to operate faith-based transitional dormitories at state-operated correctional facilities.

Effective Date: Upon passage; July 1, 2005.

Explanation of State Expenditures: (Revised) The Department of Correction could incur added costs depending on how many transitional dorms it decides to develop at prison facilities by January 1, 2007. Under this bill, eligibility could be based on the following criteria:

- The offender has less than 24 months until the offender's expected release date.
- The offender's previous disciplinary history.
- Security risks.
- Demonstrated interest in the transitional program.
- Previous attempts to reside in a transitional dormitory at any penal facility.

Offender Population by Security Level – The Department of Correction reported that as of November 30, 2004, that 4,550 offenders had an earliest possible release date between 2006 and 2007 who were in Credit Class 1. Offenders in Credit Class 1 comply with a facility's rules and regulations and receive a day cut off

from their length of stay for each day at that level. The following shows how these offenders are assigned by security level.

For women, two facilities house offenders who are in Levels 2, 3, and 4. For men, 14 facilities house offenders in Levels 1 through 4.

Offenders in Credit Class 1 Projected to be Discharged Between 2006 and 2007 on December 16, 2004					
<u>Security Level</u>	<u>Description</u>	<u>Type of Housing</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
2	Low Medium	Dormitories	3,606	350	3,956
3	High Medium	Cells	452	15	467
4	Maximum Security	Cells	127	—	127
Totals			<u>4,185</u>	<u>365</u>	<u>4,550</u>

The number of staff needed to operate a transitional facility depends on the following factors:

- The type of program offered,
- The type of offenders in these facilities, and
- The physical design of the facility.

DOC Facilities – Facilities housing Level 3 and 4 offenders may incur additional expenses for implementing a transitional dorm. First, offenders in the Level 3 and 4 security facilities are housed in cells and require more intensive supervision than offenders in the medium security facilities. If more supervision in a transitional unit is needed, either additional staff would need to be hired or facility personnel may need to be reassigned from other units of the facility depending on administrative decision. Second, if no dormitories already exist on the facility campus, the facility may need to construct new dormitories. Building new dormitories would free up more cells to accommodate added offenders.

Since all offenders in Level 2 facilities are housed in dorms, the added costs for creating a transitional dorm are likely to be minimal.

Comparing Average Costs – Until May 17, 2002, DOC operated a transitional unit at the Westville Correctional Facility. As an illustration of the cost of a transitional dormitory, the following table shows the average cost per offender in FY 2002 for the transitional unit compared to the entire Westville Facility.

Comparing the Annual Cost per Offender for the Westville Transitional Unit with the Entire Westville Facility, FY 2002									
	Personal Services	Other Services	Services by Contract	Materials/Supplies	Equip-Ment	Grants, Subsidies /Awards	Travel	Prev. Maint.	Total Costs
Entire Unit	\$15,572	\$1,067	\$303	\$1,583	\$135	\$125	\$6	\$237	\$19,029
Trans. Unit	\$17,247	\$553	\$200	\$401	\$507	\$37	\$41	\$0	\$18,985

Overcrowding in DOC facilities may contribute to at least some difficulty in developing a transitional dorm. Level 2 facilities were particularly overcrowded as of November 30, 2004, for both male and female offenders.

Rated Bed Capacity and Number of Offenders on November 30, 2004, By Facility Level				
	Facility Level	Bed Capacity	Ending Count	Percent Overcapacity
Men	2	5,862	8,306	142%
	3	3,552	4,522	127%
	4	3,899	4,972	128%
Women	2	624	1,169	187%
	3	349	388	111%

Pilot Project – The DOC Commissioner would be required to enter into a contract with a faith-based organization to create a pilot project to operate a faith-based transitional dormitory in DOC by September 1, 2005.

Reports to the Legislative Council – DOC would be required to initially report its progress in developing a faith-based transitional program by November 1, 2005. DOC would also be required to evaluate and submit its findings to the Legislative Council on the transitional dormitory program each year beginning December 1, 2006.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.